Policy Directive

NSW Government | Health

Code of Conduct

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Functional Sub group	Corporate Administration - Governance Personnel/Workforce - Conduct and ethics Personnel/Workforce - Conditions of employment
Summary	The Code of Conduct sets standards of ethical and professional conduct in NSW Health
Replaces Doc. No.	Code of Conduct - NSW Health [PD2005_626] Code of Conduct - Effectively Communicating the NSW Health [PD2005_627]
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Applies to	Local Health Districts, Speciality Network Governed Statutory Health Corporations, Board Governed Statutory Health Corporations, Chief Executive Governed Statutory Health Corporations, Public Health System Support Division, Community Health Centres, Dental Schools and Clinics, NSW Ambulance Service, Ministry of Health, Public Health Units, Public Hospitals
Audience	Persons who are employed in NSW Health
Distributed to	Public Health System, Health Associations Unions, NSW Ambulance Service, Ministry of Health, Tertiary Education Institutes
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Policy Manual	Not applicable
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Status	Active

Director-General

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for NSW Health and is a condition of subsidy for public health organisations.

NSW HEALTH CODE OF CONDUCT

PURPOSE

The NSW Health Code of Conduct defines standards of ethical and professional conduct that are required of everyone working in NSW Health in any capacity, the outcomes we are committed to, and the behaviours which are unacceptable and will not be tolerated.

The Code of Conduct assists with building a positive workplace culture based on our core NSW Health values of collaboration, openness, respect and empowerment.

The intent of the Code is to provide a framework to promote ethical day-to-day conduct and decision making. It does not and cannot cover every situation that can arise in the workplace. The Code does not replace the need for common sense in how staff conduct themselves.

MANDATORY REQUIREMENTS

All employees, contractors, volunteers, students, researchers and persons undertaking or delivering training or education in NSW Health must abide by the Code of Conduct and the core values and principles that it promotes.

IMPLEMENTATION

Chief Executives are responsible for ensuring that the Code is promulgated throughout their agency.

All employees, contractors, volunteers, students, researchers and persons undertaking or delivering training or education in NSW Health must be given a copy of the Code of Conduct to read and sign on commencement of work in NSW Health.

Managers must ensure that the staff that they supervise are aware of and understand their responsibilities under the Code.

REVISION HISTORY

Version	Approved by	Amendment notes
October 2005 (PD2005_626)	Director-General	• Updated Code of Conduct. • Replaced previous codes PD2005_199 (Department of Health) and PD2005_130 (NSW Health services)
October 2005 (PD2005_627)	Director-General	• Communication strategy for PD2005_626.
March 2012 (PD2012_018)	Director-General	• Code is shorter than the previous version to make it more accessible, readable and user friendly. • Code no longer covers matters that are dealt with fully in other Policy Directives or legislation, with the exception of anti-discrimination.

ATTACHMENTS

1. The Code of Conduct

CODE OF CONDUCT

NSW GOVERNMENT | Health
CODE OF CONDUCT

Issue date: March 2012

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A Message from the Director-General

In NSW Health we are committed to providing the best patient-centred health services possible, and to the goals of protecting and improving the health of the people of NSW.

To achieve this, everyone working in NSW Health must promote a positive working environment where everyone's contribution is valued. Teamwork and respectful staff relations are essential.

Everyone working in NSW Health should expect to be treated, and must treat others, with respect, dignity and fairness. High standards of workplace practice and conduct improve staff morale. They also produce more effective working relationships and enhanced patient outcomes. In particular, bullying and/or harassment will not be tolerated.

This Code seeks to provide the basis for developing a positive workplace culture – a culture which reflects our core values of Collaboration, Openness, Respect and Empowerment and builds upon the Public Sector core values of Integrity, Trust, Service and Accountability.

I ask everyone working in NSW Health to make themselves aware of the Code, and to implement and adhere to the Code's provisions and to the NSW Health core values on which it is based.

Dr Mary Foley
Director-General

1 INTRODUCTION

1.1 Why we have a Code

The reason we have a Code of Conduct is so there can be no doubts about the standards of ethical and professional conduct that are required of everyone working in NSW Health, the outcomes we are committed to, and the behaviours which are unacceptable and will not be tolerated.

A Code of Conduct assists with building a positive workplace culture based on our core NSW Health values of collaboration, openness, respect and empowerment.

The intent of the Code is to provide a framework to promote ethical day-to-day conduct and decision making. It does not and cannot cover every situation that can arise in the workplace. The Code does not replace the need for common sense in how staff conduct themselves. If staff are in doubt as to what conduct is appropriate in any particular situation, or how the Code should be applied, they should seek advice and direction from their manager or a more senior member of staff.

Managers have a key role in ensuring staff understand the Code and in enforcing the standards it sets, consistently and fairly. However, the most important responsibility of managers, and their most valuable contribution to ensuring that the standards set out by the Code are implemented, is to lead by example.

The Code also provides guidance on how to raise and report breaches of the standards it sets.

1.2 Definitions

NSW Health – means public health organisations, the Ministry of Health, the Ambulance Service of NSW, and all other organisations under the control and direction of the Minister for Health or the Director-General of Health.

2 APPLYING THE CODE

2.1 Who does the Code apply to?

This Code applies to:

2.1.1 persons who are employed in NSW Health whether on a permanent, casual or temporary basis; and

2.1.2 contractors (including visiting practitioners, agency staff and volunteers) working in NSW Health; and

2.1.3   students, researchers or persons undertaking or delivering training or education in NSW Health,

who will be referred to as 'staff' throughout the Code.

2.2   Responsibilities under the Code

All staff are responsible for applying and complying with the Code.

Managers are responsible for ensuring that the staff whom they supervise are aware of and understand their responsibilities under the Code.

2.3   What happens if there is a breach of the Code

There is a range of consequences for breaches of this Code depending on the nature and seriousness of the matter.

Managers have a responsibility to address alleged breaches of the Code promptly, and in a fair and reasonable manner.   They need to assess the seriousness of any alleged breaches, and how they should be dealt with.

Possible outcomes for a staff member who has breached the Code may be:

- counselling;
- performance improvement plans;
- formal disciplinary action;
- referral to the relevant registration board when the staff member is a registered health practitioner;
- referral to the police in cases of suspected possible criminal activity;
- referral to other Government agencies, such as the Independent Commission Against Corruption; or
- termination of employment.

Certain sections of the Code reflect the requirements of legislation, and breaches of these conditions may be punishable under law.

2.4   What to do if you are concerned about a breach of the Code

Staff members should report any breach or concerns about a breach of the Code to their manager.

If they are not comfortable about reporting to their manager, they should report the matter to a more senior staff member. In some circumstances, such as allegations of corruption, there is a mandatory requirement to report matters to external agencies.

2.5   Protection for people who raise concerns about a breach of the Code

NSW Health is committed to protecting any person who raises concerns about a breach of the Code from retaliation or reprisals. Any attempt to take detrimental action against a person who raises a legitimate breach of the Code will be treated seriously and may lead to disciplinary action.

Further, it is a criminal offence to take reprisal against a whistleblower under Section 20 of the *Public Interest Disclosures Act 1994* where a disclosure falls within the scope of that Act.

3   NSW HEALTH CORE VALUES

The NSW Health CORE values build upon the public sector core values of integrity, trust, service and accountability.

The NSW Health CORE values are:

- collaboration;
- openness;
- respect;
- empowerment.

We strive to reflect these CORE values in our workplaces and in our conduct by demonstrating the following characteristics:

Collaboration

- We are an organisation that believes in its people and is people centred.
- Our leaders are role models for our core values and they are accountable.
- We willingly work in teams to provide excellent levels of care.
- Our teams are strong and successful because we all contribute and always seek ways to improve.
- We encourage and recognise outstanding performance.

Openness

- We want our community to have confidence in their local health services.
- We foster greater confidence and cooperation through open communication.
- Our performance is open to public scrutiny through patient and employee surveys.
- We welcome and use feedback as a tool to do better.
- We encourage those around us to speak up and voice their ideas as well as their concerns by making it clear that speaking up is worthwhile and valued.
- We communicate clearly and with integrity.

Respect

- We never lose sight of our patients' fundamental right to be treated with dignity, compassion and respect.
- We listen to patients, the community and each other.
- We welcome new ideas and ways of doing things to improve patient care.
- We treat our colleagues and patients with dignity and respect, and care about those around us.
- Each of us is responsible for workplace culture and performance.
- We have zero tolerance for bullying and no-one, no matter how senior, is exempt.

Empowerment.

- We encourage and support local decision making and innovation.
- We accept that with local decision making comes responsibility and accountability.
- We make best use of resources and experience to meet patient and community expectations.
- While we seek direction from our leaders, we believe that everyone is empowered to make a difference in our workplace.
- As individuals, we can improve our workplace culture and performance by addressing issues that hold us back.
- We strive for individual excellence on behalf of our patients and our teams, and to deliver the best possible care and services.

4   THE CODE OF CONDUCT

The Code requires staff to adhere to the standards set out below. The standards in this Code also apply to social activities that take place outside work premises but under agency auspices, and to the making of comments about other staff or patients on social media where the status of the person making the comments as a NSW Health staff member is indicated or can be inferred

4.1   Promote a positive work environment

Staff must:

4.1.1   treat patients and members of the public with courtesy and respect and with due sensitivity to the needs of people with different backgrounds and cultures;

4.1.2   treat all other members of staff (irrespective of whether they are at the same level of seniority, or more senior or junior) in a way that promotes harmonious and productive working relationships, and a collaborative teamwork approach;

4.1.3   not bully or harass other staff, patients or members of the public, or discriminate against them on the basis of their sex, race, ethnic or ethno-religious background, marital status, pregnancy, disability, age, homosexuality, transgender or carers' responsibilities;

4.1.4   not encourage or support other staff in harassing or bullying, or in acting in a way that is contrary to harmonious working relationships between staff members;

4.1.5   where appropriate, attempt to settle any complaints, disagreements or grievances involving other staff themselves in the first instance; or pursue such matters through their manager or a more senior member of staff in a way which is proportionate to the issues raised, utilises applicable NSW Health policies, and recognises that in any process to resolve such matters other staff also have perspectives and rights.

4.2   Demonstrate honesty and integrity

Staff must:

4.2.1   avoid situations which may give rise to pecuniary or other conflicts of interest, and should any conflicts or possible perceptions of such conflicts arise declare them immediately to their manager;

4.2.2   in general not deal with the finances of patients or clients, but where such dealings occur in the best interests of the patient or client, report the full details to their manager;

4.2.3   ensure that their actions and decisions are not influenced by self interest or considerations of personal gain or other improper motives;

4.2.4   not accept bribes or inducements that are intended to influence their decisions or actions; and

4.2.5   not accept gifts where they are, or could be reasonably interpreted as being, designed to secure influence or preferential treatment in favour of the giver, which means that token or inexpensive gifts offered as an expression of gratitude, such as chocolates from a patient, can be accepted;

4.2.6   provide honest and accurate comments when giving staff references.

4.3   Acting professionally and ethically

Staff must:

4.3.1   not be under the influence of alcohol or drugs when commencing work and while at work;

4.3.2 be in a fit and proper condition to carry out their duties when commencing work and while at work;

4.3.3 dress in a way that is appropriate for the work they do, and complies with any local dress requirements;

4.3.4 carry out their duties diligently and efficiently;

4.3.5 not absent themselves from the workplace without proper notification, when they are meant to be on duty;

4.3.6 if working as a full time employee, seek approval from the Chief Executive or his/her delegate to undertake secondary employment; and if working as a part-time employee seek such approval if there is potential for a conflict of interest with NSW Health employment, or if the total work being undertaken raises issues about excessive working hours. Such approval for other employment must not be unreasonably withheld.

4.3.7 comply with all lawful and reasonable directions given by their managers or other members of staff authorised to give them;

4.3.8 comply with all applicable NSW Health policies and procedures, and those of the NSW Health agency where they work;

4.3.9 if professionally registered:
- report all changes in professional registration (such as the imposition of conditions on registration) to their manager;
- maintain and enhance their professional standards and skills, and keep up to date with best practice;
- observe all laws, professional codes of conduct and ethics relating to their profession;

4.3.10 avoid conduct that could bring NSW Health or any of its staff, patients or clients into disrepute, including when using social media;

4.3.11 act in a way which protects and promotes the interests of NSW Health and the particular NSW Health agency where they work;

4.3.12 only provide official comment on matters related to NSW Health if authorised to do so.

4.3.13 when making public comment on issues or participating in political or industrial activities, not indicate or imply that their views are those of NSW Health;

4.3.14 carry out their duties in a politically neutral manner.

4.3.15   report criminal charges or convictions against them involving offences punishable by imprisonment for 12 months or more to their Chief Executive within 7 days of the charge being laid or a conviction recorded;

4.3.16   report immediately any episode or incident of clinical care which raises concerns about standards of clinical care or about possible clinical malpractice; and

4.3.17   report to a more senior member of staff and/or to the appropriate external statutory body any misconduct by others of which they become aware, such as corruption, fraud, maladministration, and serious or substantial waste.

4.4   Use official resources lawfully, efficiently and only as authorised

Staff must:

4.4.1   use work resources efficiently;

4.4.2   use all equipment, goods, resources and materials provided for work-related purposes only, and not for outside clinical or business practice or political purposes: for example staff cannot operate a private business from the workplace, decorate official vehicles with political slogans, or use work tools to make repairs to personal property or carry out home renovations. However, reasonable personal use may be made of equipment (such as phones, computers or photocopiers) provided that work performance is not affected and any instructions about such personal use are followed.

4.4.3   follow any special directions or conditions that apply to the authorised use of official resources such as the use of cars for non-official purposes; and

4.4.4   not use NSW Health internet and email resources for accessing, transmitting, storing or downloading pornographic, sexually explicit or otherwise inappropriate material.

4.5   Maintain the security of confidential and/or sensitive official information.

Staff must:

4.5.1   keep confidential all personal information and records;

4.5.2   not use or release official information without proper authority, such as discussing or providing information on social media that could identify patients or divulge patient information;

4.5.3   maintain the security of confidential and/or sensitive information, including that stored on communication devices;

4.5.4   not disclose, use or take advantage of information obtained in the course of official duties, including when they cease to work in NSW Health.

4.6   Maintain professional relationships with patients or clients.

Staff must :

4.6.1   not take an unfair advantage of, or exploit any relationship with, patients or clients in any way, including not engaging in on-line friendships with patients or clients via social media; staff may accept patients and clients as members of their professional pages that contain information relating to the professional practice of the staff member;

4.6.2   not have any sexual relationship with a patient or client during a professional relationship.

I have read and understood the above Code of Conduct, and agree to comply with its provisions at all times while working in NSW Health.

By signing this Code I acknowledge my commitment to achieving the best outcomes for patients and playing my part in ensuring that my working environment is safe and supportive.

………………………….   *Print name*

…………………………..   *Signature*

…………………………..   *Date*